

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

77 W. JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590

Reply to the Attention Of: SR-6J

July 12, 2012

Mr. Todd Konechne
The Dow Chemical Company
1111 Washington Street
Midland, MI 48640

RE: Notification of Completion and Determination of Compliance with the Administrative Order, Docket Number V-W-11-C-974 for Island MM of the Tittabawassee River, Saginaw River & Bay Site, Michigan (Site ID# B5KF)
EPA Document #EPA 2012.013

Dear Mr. Konechne:

The United States Environmental Protection Agency (EPA), with an opportunity for consultation with the Michigan Department of Environmental Quality (MDEQ), reviewed the Reach MM In-Channel Removal Action Final Report, dated June 8, 2012 (Final Report). In a letter dated July 11, 2012, EPA approved the Final Report with conditions related to post-removal site control. By this letter, EPA issues the Notice of Completion of Work, pursuant to Paragraph 74 and Section XXVI of the Administrative Settlement Agreement and Order on Consent (AOC).

EPA and the Dow Chemical Company (Respondent) entered into an AOC (Docket Number V-W-11-C-974) effective July 8, 2011. The AOC required the Respondent to conduct a non-time critical removal action at a small in-channel island located in Reach MM of the Tittabawassee River (Island MM) which presented an actual or threatened imminent and substantial endangerment to public health and/or the environment.

Specific factors considered in this determination were the presence of elevated levels of dioxins (primarily furans) at Island MM. These hazardous substances posed potential threats through the following routes as listed in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 Code of Federal Regulations (CFR) Section 300.415(b)(2):

- High levels of hazardous substances or pollutants or contaminants in soil/sediment largely at or near the surface that may migrate;
- Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;
- Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants; and
- Actual or potential contamination of sensitive ecosystems.

Pursuant to the AOC, the Respondent submitted the Reach MM In-Channel Island Removal Action Work Plan, dated July 25, 2011 and Addendum 1 to the Work Plan, dated August 17, 2011, which were approved by EPA, and a Health & Safety Plan which was reviewed by EPA.

On June 8, 2012, the Respondent submitted, as required by the AOC, the revised Final Report on their removal activities at the Site. Based on EPA's oversight of Respondent's activities at the Site, review of the Final Report, and documentation of a final inspection of the Site, EPA has concluded that the Respondent has completed all Work in accordance with the AOC, with the exception of any continuing obligations required by the AOC (including payment of oversight costs under Section XV and post-removal site control pursuant to paragraph 20). The post-removal site control requirements are now incorporated into another Administrative Settlement Agreement and Order on Consent, effective January 21, 2010 (V-W-10-C-942).

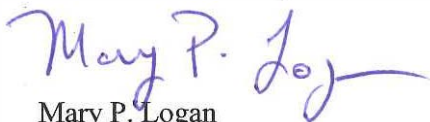
Specifically, the Respondent has completed the following Work required by the AOC:

- a. Respondent developed and implemented a site-specific Health and Safety Plan and a removal Work Plan;
- b. Respondent developed and provided pre-removal field sampling data to delineate the footprint of the deposit;
- c. Respondent obtained the necessary access agreements and developed temporary staging areas and access to the River;
- d. Respondent excavated all targeted sediment from Island MM;
- e. Respondent constructed an in-situ containment cap over the excavated island area and sediments in adjacent underwater areas identified through the pre-removal field sampling;
- f. Respondent reestablished the current island footprint at a new elevation with clean materials;
- g. Respondent removed and restored the mobilization and staging areas;
- h. Respondent transported and disposed off-site all hazardous substances or pollutants or contaminants at a EPA-approved disposal facility in accordance with the EPA Off-Site Rule (40 CFR Section 300.440); and
- i. Respondent established Post-Removal Monitoring as required under Paragraph 20 of the AOC.

This letter merely reflects EPA's determination that the work required by the AOC was completed. This notice of completion in no way releases the Respondent from any potential future obligations to perform additional work to address the same or other conditions at the Site. However, EPA does not anticipate any further actions at this Site under the current AOC other than post-removal site control obligations required by paragraph 20 of the AOC. Similarly, this notice of completion does not release the Respondent from any record keeping, payment, or other continuing obligations under the AOC that extend beyond the date of this notice. Finally, under the terms of the AOC the Respondent is obligated to pay all response costs incurred by the United States in overseeing the Respondent's implementation of the requirements of the AOC.

Please contact me at (312) 886-4699 or Jeffrey Cahn at (312) 886-6670 if you have any questions.

Sincerely,



Mary P. Logan
Remedial Project Manager

cc via email: A. Taylor – MDEQ
J. Haas – FWS
T. Prendiville, D. Russell, J. Cahn, C. Garypie, A. Finley – EPA
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